

THE
CITY CHARTER:
LAWS, ORDINANCES, AND ACTS
OF THE
CITY COUNCIL
OF THE
CITY OF NAUVOO.

AND ALSO, THE ORDINANCES

OF THE
NAUVOO LEGION:

FROM THE COMMENCEMENT OF THE CITY TO THIS DATE.

NAUVOO, ILL.

PUBLISHED BY ORDER OF THE CITY COUNCIL.

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CITY CHARTER.

AN ACT TO INCORPORATE THE CITY OF NAUVOO.

SECT. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that district of country embraced within the following boundaries, to wit: beginning at the north-east corner of section thirty-one, in township seven, north of range eight, west of the fourth principal meridian, in the county of Hancock, and running thence west to the north-west corner of said section; thence north to the Mississippi river; thence west to the middle of the main channel of the said river; thence down the middle of said channel to a point due west of the south-east corner of fractional section number twelve, in township six, north of range nine west of the fourth principal meridian; thence east to the south-east corner of said section twelve; thence north on the range line between township six north and range eight and nine west, to the south-west corner of section six, in township six, north of range eight west; thence east to the south-east corner of said section; thence north to the place of beginning; including the town plats of Commerce and Nauvoo, shall hereafter be called, and known, by the name of the "CITY OF NAUVOO," and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have, and use, a common seal, which they may change, and alter at pleasure.

SEC. 2. Whenever any tract of land, adjoining the "City of Nauvoo," shall have been laid out into town lots, and duly recorded according to law, the same shall form a part of the "City of Nauvoo."

SEC. 3. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal, in said city, to purchase, receive, and hold real property beyond the city for burying grounds, or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the

benefit of the city, to improve and protect such property, and to do all other things in relation thereto as natural persons.

SEC. 4. There shall be a City Council to consist of a Mayor, four Aldermen, and nine Counsellors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 5. The Mayor, Aldermen, and Counsellors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

SEC. 6. On the first Monday of February next, and every two years thereafter, an election shall be held for the election of one Mayor, four Aldermen, and nine Counsellors, and at the first election under this act, three judges shall be chosen *viva voce* by the electors present; the said judges shall choose two clerks, and the judges and clerks before entering upon their duties shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the necessary number of judges and clerks shall be appointed by the City Council. At the first election so held the polls shall be opened at nine o'clock, A. M., and closed at six o'clock P. M.; at the close of the polls the votes shall be counted and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation herein before mentioned, a certificate of which oath shall be deposited with the Recorder, whose appointment is hereafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the City Council.

SEC. 7. All free white male inhabitants who are of the age of twenty one years, who are entitled to vote for state officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

SEC. 8. The City Council shall have authority to levy and collect taxes for city purposes upon all property, real and personal, within the limits of the city, not exceeding one-half per cent. per

annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

SEC. 9. The City Council shall have power to appoint a Recorder, Treasurer, Assessor, Marshal, Supervisor of Streets, and all such other officers as may be necessary; and to prescribe their duties, and remove them from office at pleasure.

SEC. 10. The City Council shall have power to require of all officers appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient; and also, to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices.

SEC. 11. The City Council shall have power and authority to make, ordain, establish, and execute, all such ordinances, not repugnant to the Constitution of the United States or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness, of said city; for the protection of property therein from destruction by fire or otherwise, and for the health, and happiness thereof; they shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation not herein established; to impose such fines, not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept any office in or under the corporation, or for misconduct therein; to divide the city into wards; to add to the number of Aldermen and Councillors; and apportion them among the several wards, as may be most just and conducive to the interest of the city.

SEC. 12. To license, tax, and regulate auctions, merchants, retailers, grocers, hawkers, pedlars, brokers, pawn-brokers, and money-changers.

SEC. 13. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, and restrain, the keeping of ferries, to regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into execution the powers specified in this act; *Provided* such ordinances are not repugnant to the Constitution of the United States, or of this State: and, in fine, to exercise such other legislative powers as are conferred on the City Council of the City of Springfield, by an act entitled "An Act to incorporate the City of Springfield," approved, February third, one thousand eight hundred and forty.

SEC. 14. All ordinances passed by the City Council shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city.

SEC. 15. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts or places without further proof.

SEC. 16. The Mayor and Aldermen shall be conservators of the peace within the limits of said city, and shall have all the powers of Justices of the Peace therein, both in civil and criminal cases, arising under the laws of the State: they shall, as Justices of the Peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and security, as other Justices of the Peace, and be commissioned as Justices of the Peace in and for said city by the Governor.

SEC. 17. The Mayor shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect; appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the city ordinances, to the Municipal Court, under such regulations as may be presented by ordinance; which court shall be composed of the Mayor, as Chief Justice, and the Aldermen as Associate Justices, and from the final Judgment of the Municipal Court, to the Circuit Court of Hancock county, in the same manner as appeals are taken from judgments of Justices of the Peace; *Provided*, That the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of habæas corpus in all cases arising under the ordinances of the City Council.

SEC. 18. The Municipal Court shall sit on the first Monday of every month, and the City Council at such times and place as may be prescribed by city ordinance; special meetings of which may at any time be called by the Mayor or any two Aldermen.

SEC. 19. All process issued by the Mayor, Aldermen, or Municipal Court, shall be directed to the Marshal, and in the execution thereof he shall be governed by the same laws as are, or may be, prescribed for the direction and compensation of Constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

SEC. 20. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity, which record

shall at all times be open to the inspection of the electors of said city, and shall perform such other duties as may be required of him by the ordinances of the City Council, and shall serve as Clerk of the Municipal Court.

SEC. 21. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

SEC. 22. All jurors empaneled to enquire into the amount of benefits or damages that shall happen to the owners of property, so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

SEC. 23. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the Circuit Court of Hancock county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

SEC. 24. The City Council may establish and organize an Institution of learning within the limits of the city, for the teaching of the Arts, Sciences, and Learned Professions, to be called the "University of the City of Nauvoo," which institution shall be under the control and management of a Board of Trustees, consisting of a Chancellor, Registrar, and twenty-three Regents; which Board shall thereafter be a body corporate and politic with perpetual succession, by the name of the "Chancellor and Regents of the University of the City of Nauvoo," and shall have full power to pass, ordain, establish and execute all such laws and ordinances as they may consider necessary for the welfare and prosperity of said University, its officers, and students; *Provided*, That the said laws and ordinances shall not be repugnant to the Constitution of the United States, or of this State; and *Provided*, also, that the Trustees shall at all times be appointed by the City Council, and shall have all the powers and privileges for the advancement of the cause of education which appertain to the Trustees of any other College or University of this State.

SEC. 25. The City Council may organize the inhabitants of said city, subject to military duty, into a body of independent military men to be called the "Nauvoo Legion," the Court Martial of which shall be composed of the commissioned officers of said Legion, and constitute the law making department, with full powers and autho-

city to make, ordain, establish, and execute, all such laws and ordinances as may be considered necessary for the benefit, government and regulation of said Legion; *Provided*, said Court Martial shall pass no law or act repugnant to, or inconsistent with, the Constitution of the United States, or of this State; and, *Provided*, also, that the officers of the Legion shall be commissioned by the Governor of the State. The said Legion shall perform the same amount of military duty as is now, or may be hereafter, required of the regular militia of the State, and shall be at the disposal of the Mayor in executing the laws and ordinances of the City Corporation, and the laws of the State, and at the disposal of the Governor for the public defence, and the execution of the laws of the State, or of the United States, and shall be entitled to their proportion of the public arms; and, *Provided*, also, that said Legion shall be exempt from all other military duty.

SEC. 26. The inhabitants of the "City of Nauvoo," are hereby exempted from working on any road beyond the limits of the city, and for the purpose of keeping the streets, lanes, avenues, and alleys in repair, to require of the male inhabitants of said city, over the age of twenty-one, and under fifty years, to labor on said streets, lanes, avenues, and alleys, not exceeding three days in each year; and person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

SEC. 27. The City Council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail, in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

SEC. 28. This act is hereby declared to be a public act, and shall take effect on the first Monday of February next.

WM. L. D. EWING,
Speaker of the House of Representatives.

S. H. ANDERSON,
Speaker of the Senate.

Approved, December 16, 1840.

THO. CARLIN.

STATE OF ILLINOIS.

OFFICE OF SECRETARY OF STATE.

I, Stephen A. Douglass, Secretary of State, do hereby certify that the foregoing is a true and perfect copy of the enrolled law now on file in my office.

Witness my hand, and seal of State, at Springfield, this 18th day of December, A. D. 1840,
S. A. DOUGLASS,
Secretary of State.